

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

THEREN PHILLIP FRAZIER

Date of Original Judgment: 12/23/2016*(Or Date of Last Amended Judgment)***) AMENDED JUDGMENT IN A CRIMINAL CASE****)****) Case Number: 2:15-cr-00044-GMN-GWF-1****) USM Number: 49514-048****) Terrence M. Jackson, CJA****) Defendant's Attorney****)****) Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))****)** **) Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))****)** **) Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))****)** **) Direct Motion to District Court Pursuant 28 U.S.C. § 2255 or 18 U.S.C. § 3559(c)(7)****)** **) Modification of Restitution Order (18 U.S.C. § 3664)****Reason for Amendment:**

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
 Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
 Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
 Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
***Amended to reflect sentence is CONCURRENT with State Court sentence. See Page 3.

THE DEFENDANT:

pleaded guilty to count(s) 10, 13, 19, 20, and 21 in the Superseding Indictment (ECF No. 54)

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC §§ 2113(a) & 2	Bank Robbery	10/23/2014	10s
18 USC §§ 2113(a) & 2	Bank Robbery	10/29/2014	13s
18 USC §§ 1951 & 2	Interfere with Commerce by Robbery (Hobbs Act Robbery)	11/10/2014	19s

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____
 Count(s) all remaining is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/22/2016

Date of Imposition of Judgment

Signature of Judge

Gloria M. Navarro, Chief Judge U.S. District Court

Name and Title of Judge

July 12, 2018

Date

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ADDITIONAL COUNTS OF CONVICTION

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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of :

96 MONTHS as to Counts 10, 13, 19, and 21, CONCURRENT to one another; 84 MONTHS as to Count 20, CONSECUTIVE to Counts 10, 13, 19, 20, AND 21; TOTAL of 180 MONTHS. Sentence to run CONCURRENT with LAS VEGAS JUSTICE COURT CASE NUMBER 14M07422X.

The court makes the following recommendations to the Bureau of Prisons:

The Court recommends the defendant be allowed to serve his term of incarceration at a facility as close to Phoenix as possible for available programming and to be close to family.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

- at _____ a.m. p.m. on _____
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- before 2 p.m. on _____.
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: THEREN PHILLIP FRAZIER
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SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 YEARS as to Counts 10, 13, 19, and 21, CONCURRENT to one another; 5 YEARS as to Count 20, CONCURRENT to Counts 10, 13, 19, and 21; TOTAL OF 5 YEARS

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

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SPECIAL CONDITIONS OF SUPERVISION

1. Victim-Witness Prohibition - You shall not have contact, directly or indirectly, with any victim or witness in this instant offense, unless under the supervision of the probation officer.
2. No Contact with defendants of related cases - The defendant shall have no contact, directly or indirectly, associate with, or knowingly be within 500 feet of his residence, business, or place of employment. Furthermore, if confronted by related case defendants in a public place, the defendant shall immediately remove himself from the area.
3. Warrantless Search - You shall submit to the search of your person, property, residence or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 500.00	\$	\$	\$ 4,343.00

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See attached Restitution List		\$4,343.00	
TOTALS	\$ 0.00	\$ 4,343.00	

- Restitution amount ordered pursuant to plea agreement \$ 4,343.00
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
- the interest requirement is waived for fine restitution.
- the interest requirement for the fine restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A Lump sum payment of \$ 500.00 due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

It is recommended that any unpaid balance due and owing by defendant shall be paid at a rate of not less than \$25.00 per quarter during defendant's incarceration. Upon commencement of defendant's supervision, payments shall be paid at a rate of 10% of any gross income earned, subject to adjustment by the Court based upon defendant's ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
 The defendant shall pay the following court cost(s):
 The defendant shall forfeit the defendant's interest in the following property to the United States:
See attached Preliminary Order of Forfeiture.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

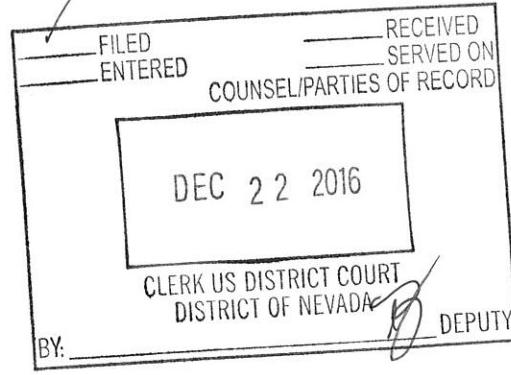
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Restitution List

✓ FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
DEC 22 2016	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	B DEPUTY

Chase Bank \$ 1,091.00
5558 Camino Al Norte
North Las Vegas, NV 89031

U.S. Bank \$ 3,252.00
Attn: Recovery & Restitution Payments
PO Box 650
Milwaukee, WI 52378-0650

Total Restitution \$ 4,343.00



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) 2:15-CR-044-GMN-(GWF)

Plaintiff,)

v.) Preliminary Order of Forfeiture

THEREN PHILLIP FRAZIER,)

Defendant.)

This Court finds that defendant Theren Phillip Frazier pled guilty to Counts Ten, Thirteen, Nineteen, Twenty, and Twenty-One of a Twenty-Two-Count Superseding Criminal Indictment charging him in Counts Ten and Thirteen with Bank Robbery in violation of Title 18, United States Code, Section 2113(a); in Count Nineteen with Interfere with Commerce by Robbery (Hobbs Act Robbery) in violation of Title 18, United States Code, Section 1951; in Count Twenty with Brandishing of a Firearm in a Crime of Violence in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii); and in Count Twenty-One with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). Superseding Criminal Indictment, ECF No. 54; Change of Plea, ECF No. 113; Plea Agreement, ECF No. 114.

This Court finds defendant Theren Phillip Frazier agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgment set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Superseding Criminal

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1 Indictment. Superseding Criminal Indictment, ECF No. 54; Bill of Particulars, ECF No. 60;
2 Change of Plea, ECF No. 113; Plea Agreement, ECF No. 114.

3 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
4 America has shown the requisite nexus between property set forth in the Plea Agreement, the
5 Bill of Particulars, and the Forfeiture Allegations of the Superseding Criminal Indictment and the
6 offenses to which defendant Theren Phillip Frazier pled guilty.

7 The following money judgment and assets are (1) any property, real or personal, which
8 constitutes or is derived from proceeds traceable to violations of Title 18, United States Code,
9 Section 2113(a), a specified unlawful activity as defined in Title 18, United States Code, Section
10 1956(c)(7)(D), or a conspiracy to commit such offense; (2) any property, real or personal, which
11 constitutes or is derived from proceeds traceable to violations of Title 18, United States Code,
12 Section 1951(a), a specified unlawful activity as defined in Title 18, United States Code, Section
13 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense; (3) any firearm or
14 ammunition intended to be used in violation of Title 18, United States Code, Sections
15 924(c)(1)(A)(ii), 1951, and 2113(a); and (4) any firearm or ammunition involved in or used in
16 any knowing violation of Title 18, United States Code, Sections 922(g)(1), 924(c)(1)(A)(ii),
17 1951, and 2113(a), and are subject to forfeiture pursuant to Title 18, United States Code, Section
18 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code,
19 Section 924(d)(1), (2)(C), and (3)(A) with Title 28, United States Code, Section 2461(c); Title
20 18, United States Code, Section 924(d)(1) with Title 28, United States Code, Section 2461(c);
21 and Title 21, Untied States Code, Section 853(p):

22 1. \$214.59 in United States Currency;

23 2. a 9 mm semiautomatic handgun, Intratec model TEC-9, serial number 65201; and

24 3. any and all ammunition

25 (all of which constitutes property)

26 / / /

1 and an in personam criminal forfeiture money judgment of \$4,343, to be held jointly and
2 severally liable with any codefendants, and that the property will not be applied toward the
3 payment of the money judgment.

4 This Court finds the United States of America is now entitled to, and should, reduce the
5 aforementioned property to the possession of the United States of America.

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
7 the United States of America should seize the aforementioned property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States
9 recover from Theren Phillip Frazier an in personam criminal forfeiture money judgment of
10 \$4,343.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest
12 of Theren Phillip Frazier in the aforementioned property is forfeited and is vested in the United
13 States of America and shall be safely held by the United States of America until further order of
14 the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
16 America shall publish for at least thirty (30) consecutive days on the official internet government
17 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
18 property, state the time under the applicable statute when a petition contesting the forfeiture must
19 be filed, and state the name and contact information for the government attorney to be served
20 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
21 Section 853(n)(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
23 entity who claims an interest in the aforementioned property must file a petition for a hearing to
24 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
25 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
26 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature

1 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
2 facts supporting the petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
4 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
5 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
6 sixty (60) days after the first day of the publication on the official internet government forfeiture
7 site, www.forfeiture.gov.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
9 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
10 the following address at the time of filing:

11 Daniel D. Hollingsworth
12 Assistant United States Attorney
13 501 Las Vegas Boulevard South, Suite 1100
14 Las Vegas, Nevada 89101.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
16 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
17 agency following publication of notice of seizure and intent to administratively forfeit the above-
described property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
19 of this Order to all counsel of record and three certified copies to the United States Attorney's
20 Office, Attention Asset Forfeiture Unit.

21 DATED this 22 day of Daniel, 2016.

22
23
24 UNITED STATES DISTRICT JUDGE
25
26